

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FRANK LIU,

Plaintiff,

v.

CITY OF RENO, *et. al.*,

Defendants.

Case No. 3:22-cv-00551-CLB

**ORDER DIRECTING CLERK TO
RANDOMLY REASSIGN CASE TO
DISTRICT JUDGE FOR DECISION ON
MOTION TO WITHDRAW CONSENT
AND STAYING CASE**

On May 18, 2023, this case was referred to the undersigned on consent in accordance with 28 U.S.C. § 636. (ECF No. 23.) On September 23, 2023, Plaintiff Frank Liu filed a motion to withdraw his consent to proceed before a magistrate judge. (ECF No. 42.)

In 2019, the Ninth Circuit explicitly ruled only a district judge may rule on a motion to withdraw consent to the jurisdiction of a magistrate judge. *Branch v. Umphenour*, 936 F.3d 994, 1001-02 (9th Cir. 2019) (citing 28 U.S.C. § 636(c)(4); Fed. R. Civ. P. 73(b)(3)); *see also Brown v. Leachman*, 2018 WL 827233 at *1 (N.D. Cal., Mar. 4, 2021) (order from magistrate judge in consent case wherein the appellate court directed the magistrate to transfer the case such that a district judge could decide, in the first instance, whether or not the plaintiff should have been permitted to withdraw consent to proceed before a magistrate judge).

Accordingly, the Clerk shall randomly reassign this case to a district judge for decision on the motion to withdraw consent, (ECF No. 42). Additionally, all deadlines shall be stayed until a decision on the motion to withdraw consent is rendered.

DATED: September 25, 2023.



UNITED STATES MAGISTRATE JUDGE